IN THE HIGH COURT OF JUDICATURE AT PATNA
MA No.171 of 1993
NATIONAL INSURANCE COMPANY LTD
Versus
SMT.VIJYA DEVI & ORS
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26 1/7/2008 Heard learned counsel for the petitioners/appellants namely, Vijya Devi, Manish Dev @ Munna, Mayank Dev @ Tunna and Parwati Devi widow mother of Late J.J. Kumar. This appeal has been filed on 15.11.2006 whereby and whereunder a direction has been sought in respect of return of money deposited in the account of M.A. Case No. 171 of 1993 with interest given by Bank after deducting Rs. 50,000/- withdrawn by Smt. Vijaya Devi and Rs. 50,000/- withdrawn by Ankur Raj @ Raju Kumar respectively.

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It is stated in paragraph 8 and in last paragraph of the petition so as to infer that Vijaya Devi has withdrawn such money in the year 2001 and Manish Dev on 24.3.2004 respectively.

Reference of paragraphs 7 and 25 of the order dated 24.9.1997 whereby the original appeal No. 179 of 1993 was finally disposed of has been made in which a direction has been given to deposit Rs. 2,66, 448/- in term deposit. Their respective shares has also been made clear in respect of Vijaya Devi 23%, Manish Dev @ Munna 23%, Mayank Dev @ Tunna 23%, Ankur Raj @ Raju Kumar 23% and Parwati Devi mother of the deceased 8% respectively.

It is made clear that uptill now Manish Dev @ Muna,

Ankur Raj @ Raju Kumar and Parwati Devi have not withdrawn any amount from the aforesaid Fixed Term Deposit.

The date of birth of Ankur Raj @ Raju Kumar as son of the deceased and Vijaya Devi has been recorded in the School register as 9th day of January, 1987 which ought to have been corrected as per subsequently sworn affidavit by his mother.

Learned counsel for the petitioners/appellants, for the present does not insist for payment of the money due to the petitioner Ankur Raj which may be left on the ground that later on some detailed petition in this regard shall be filed.

So far other petitioners are concerned i.e. namely, Manish Dev @ Munna and Mayank Dev @ Tunna as well as their mother Vijaya Devi, they may withdraw the money so deposited in the Term Deposit of the Bank in their proportionate share to the extent of 23% each and 8% to mother-in-law of Vijaya Devi, namely Parwati Devi. The 23% of the deposit in respect of payment of Ankur Raj @ Raju Kumar shall remain intact till further order of this Court.

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Rs. 50,000/- so withdrawn earlier by Vijaya Devi and Manish Dev on their respective date of withdrawal shall be computed on those dates for the purpose of future computation of principal and interest accrued thereon on those dates and thereafter final calculation shall be made by the Bank Authorities in respect of all the claimants meaning thereby the Principal plus interest will be a bit higher scale for those who

had not withdrawn any money earlier from the Bank.

The petition in respect of all the petitioners/appellants except Ankur Raj @ Raju stands disposed of.

The rest petitioners/appellants who happened to be elder brothers, mother and grand-mother of Ankur Raj @ Raju Kumar will be at liberty to file a separate petition if they are so advised.

Principal and interest on the aforesaid dates shall be calculated and distributed accordingly by the Bank Authorities to the petitioners except Ankur Raj @ Raju Kumar. The money of Ankur Raj @ Raju Kumar shall remain intact till further order of this Court along with its interest.

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S.Ali **(Subash Chandra Jha, J.)**